

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-cv-00651-FL

LENORA E. BLACKWELL,

Plaintiff,

v.

CAROLYN COLVIN,

Acting Commissioner of Social Security,

Defendant.

ORDER

Plaintiff's counsel filed a motion for approval of attorney's fees under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$7,672.15. Attorney's fees under § 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$3,500.00 (D.E. #33).

Defendant filed a response, stating that under Gisbrecht v. Barnhart, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 7,672.15, and refund to Plaintiff the smaller award between this amount and the EAJA award.

This 7th day of January, 2015



LOUISE WOOD FLANAGAN
UNITED STATES DISTRICT JUDGE